

PATENT COOPERATION TREATY

From the
 INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see Form PCT/ISA/220

WRITTEN OPINION OF THE
 INTERNATIONAL SEARCHING AUTHORITY
 (PCT Rule 43bis.1)

Date of mailing
 (day/month/year) see Form PCT/ISA/210 (Sheet 2)

Applicant's or agent's file reference

FOR FURTHER ACTION

see Form PCT/ISA/220

see paragraph 2 below

2003P1387WO

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCTEP2004008157	21.07.2004	22.09.2003

International Patent Classification (IPC) or both national classification and IPC
 H04L1228

Applicant
 SIEMENS AKTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA	Authorized officer
European Patent Office D-80298 München - Germany Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 4465	Bub, A Tel. +49 89 2399-7209

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☐ the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not yet been submitted:

☒ Copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ Translation of that earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

It was therefore not possible to consider the validity of the priority claim. This opinion has nonetheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2-7, 9, 10</u>	YES
	Claims <u>1, 8</u>	NO
Inventive step (IS)	Claims <u>2-7, 9, 10</u>	YES
	Claims <u>1, 8</u>	NO
Industrial applicability (IA)	Claims <u>1-10</u>	YES
	Claims <u></u>	NO

2. Citations and explanations:

see Supplementary sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see Supplementary sheet

Re Box No. V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: CISCO SYSTEMS, [Online] 17 August 2001 (2001-08-17), XP002300000
INTERNET Found on the internet:
URL: <http://web.archive.org/web/20030403045628/http://www.cisco.com/warp/public/131/3.pdf> [found on 2004-10-08]

2. Independent claims

2.1. Independent claim 1

The solution proposed in claim 1 of the present application cannot be considered inventive (Article 33(3) PCT) for the following reasons:

Document D1 is regarded as the nearest prior art in relation to the subject matter of claim 1. It discloses (the references in parentheses relate to this document):

A method for managing a group of network access servers (page 2, section "SGBP", "In a multiple Access Server environment, the network administrator may designate a group of Access Servers to belong to a stack group.") within which group the "Multichassis Multilink Point to Point Protocol", MMP for short, is used (D1, page 1, section "Introduction"), wherein each network access server of this group manages an address list of the other network access servers (page 5, section "SGBP", "1. sgbp group <name>, lines 1-9, and page 4, top figure).

The difference between the disclosure of document D1 and the subject matter of the independent claim 1 is "that the logging on/off of a new [sic] network access server (...) takes place in such a way that an address list (...) always indicates the current status (...)."

The object to be achieved is to be seen in keeping the configuration data up to date.

It is considered obvious that the person skilled in the art is always concerned to keep the configuration data at the latest status when managing a network. Toward that end, he or she would make use of the commands, according to the teaching from D1, section "SGBP" on pages 4 to 5, in particular "sgbp group" and "sgbp member", in order to achieve the object accordingly.

3. Dependent claims

The dependent claim 2 is considered new and inventive (Article 33(2) and (3) PCT). It achieves the object of simplifying the configuration of the address list. The claims dependent on claim 2 are therefore also considered new and inventive.

The same applies also to the dependent claim 9, which defines the same subject matter as claim 2 for a network access server.

Box No. VIII

Certain observations on the international application

1. Claims 1 and 8 do not meet the requirements of Article 6 PCT because the subject matter of the application for protection is not clearly defined. In the claims, an attempt is made to define the subject matter by means of the result that is to be achieved; however, this merely specifies the object to be achieved, without offering the technical features necessary to achieve this result.
2. Claim 1 defines the "logging off of a new network access server", which is deemed to be contradictory, since an already logged-on network access server is not new. Claim 1 is therefore also to be regarded as unclear (Article 6 PCT).
3. Claim 3 is dependent on claims 1 to 2 and defines "a second message". "A second message" is also defined in claim 2, however, for which reason claim 3 dependent on claim 2 is to be regarded as unclear (Article 6 PCT).

Furthermore, a first message is **not** defined in claim 1, as a result of which the definition of a "second message" in claim 3 is contradictory and consequently claim 3 dependent on claim 2 is likewise to be regarded as unclear (Article 6 PCT).

The claim has therefore been interpreted only dependent on claim 2.

As claims 8 to 10 define the same subject matter as claims 1 to 3 for a network access server, the above-cited objections also apply analogously to claims 8 to 10.

4. Claim 6 is dependent on claims 1 to 5 and defines "a third message". However, no first or second message is defined in claim 1, for which reason claim 6 dependent on claim 1 is to be regarded as unclear (Article 6 PCT).

The claim has therefore been interpreted only dependent on claims 2 to 5.

5. In order to simplify b) PCT, the applicant is requested to draw attention to the amendments made, regardless of whether they concern amendments due to adding, replacing or deleting, clearly **for each amendment**, and to indicate **on which passages** in the originally filed application these amendments are based (see also Rule 66.8 (a) PCT).

If necessary, these details can be given in **handwritten form** on copies of the relevant parts of the original application.

6. The applicant is requested to submit the amendments on replacement sheets as stipulated in Rule 66.8 (a) PCT. In particular, fair copies of the amendments should be submitted in triplicate.

The applicant is also reminded that, pursuant to Rule 66.8 (a) PCT, the examiner in the PCT procedure may not make any amendments, however minor.